

Serial No.: 09/148,815

Attorney Docket No: MCS-011-08

### **REMARKS**

In response to the Office Action dated April 9, 2004 (Paper No. 32), claims 2, 7 and 19 have been amended and claims 3 and 4 have been canceled. Therefore, claims 2 and 5-23 are now in the case. In light of the amendments and arguments set forth herein, reexamination and reconsideration of the application are requested.

### **Section 102(e) Rejections**

The Office Action rejected claims 2-18 under 35 U.S.C. § 102(e) as being anticipated by Redford et al. (U.S. Patent No. 5,957,695). The Office Action stated that Redford et al. discloses each and every element of the Applicants' claimed invention.

The Applicants respectfully disagree with this contention. In general, the Applicants submit that Redford et al. lack at least one feature of the Applicants' claimed invention, as detailed below.

### **Amended Independent Claim 2**

Amended independent claim 2 of the Applicants' claimed invention includes a display device having rendered thereon dynamically changing results of a database query. The display device further includes a query grid having at least one field and associated data, the query grid being stored on a server as raw data. The query grid is transmitted from the server to a remote client through a communications interface in response to a communication from the client to the server. The display device further includes at least one adjustable interface option displayed on the client display device including a single slider control that is slidably moveable along a reference datum and dual slider controls disposed on a same slider track and having a first slider filter for adjusting a lower boundary criteria and a second slider filter for adjusting an upper boundary criteria of the at least one associated field in real time using the remote client to process the adjustment.

Dual slider controls are shown in the Applicants' specification in FIG. 6 (reference number 620) and FIG. 7 (reference number 720). Each of these dual slider controls are

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slidably movable along a single slider track and allow a user to "drag the lever of the slider filter control in either direction to narrow certain criteria of the results for each sorted field or category" (specification, page 16, lines 12-15). The dual slider controls have a lower boundary and an upper boundary for "constraining the results within a defined range" (specification, page 16, lines 17-19). Thus, the Applicants' claimed dual slider controls have two sliders disposed on the same slider track, where the first slider adjusts a lower boundary and the second slider adjusts an upper boundary.

In contrast, Redford et al., merely disclose input boxes, drop-down list boxes, and authoring buttons (FIGS. 9C-E; col. 45, lines 4-12; col. 48, lines 35-40). FIGS. 9C-E of Redford et al. merely describes drop-down menus. In particular, ". . . 930A are drop down list boxes which contain the lists of graphics files, sound files, and text files, respectively" (col. 45, lines 10-12). As shown in FIG. 9C of Redford et al., when a user clicks on the downwardly-pointing triangle having a line underneath, a drop-down list (shown under the "Text file" heading) appears. This drop-down list allows the user to scroll down and select one of the entries. As the user scrolls down the drop-down list, the entry which the mouse pointer is on is highlighted. This highlighting is shown by the gray box highlighting the entry "page5.txt". "For example, in drop down list box 930A, to select text file 'page5.txt' the author double clicks on entry 930A1" (col. 45, lines 16-20). However, the Applicants' claimed dual slider controls disposed on the same slider track and having a first slider filter for adjusting a lower boundary criteria and a second slider filter for adjusting an upper boundary criteria is not disclosed by Redford et al.

The Applicants, therefore, respectfully traverse this rejection of amended independent claim 2 because Redford et al. do not disclose, either explicitly or implicitly, the material claimed feature of dual slider controls disposed on a same slider track and having a first slider filter for adjusting a lower boundary criteria and a second slider filter for adjusting an upper boundary criteria. Because of this missing feature, the §102 rejection cannot stand.

Amended Independent Claim 7

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Amended independent claim 7 includes a method for dynamically adjusting associated data values on a client computer. The method includes transmitting a plurality of data packets comprising associated data values from a host computer to a remote client computer in response to an initial query by the client computer, where the associated data values are a subset of available data on the host computer relating to the initial query. The method further includes automatically displaying a control module on a display monitor of the client computer, and using dual slider controls displayed on the client display monitor to dynamically adjusting the associated data values using the remote client to process the adjustment in response to user interaction with the automatically displayed control module. The dual slider controls have a first slider disposed on a slider track for adjusting a lower boundary and a second slider disposed on the same slider track for adjusting an upper boundary of the associated data values within a range. The method also includes dynamically displaying the adjusted data values on the client display monitor.

In contrast, Redford et al., do not disclose the Applicants' claimed feature of using dual slider controls, where the dual slider controls have a first slider disposed on a slider track for adjusting a lower boundary and a second slider disposed on the same slider track for adjusting an upper boundary of the associated data values within a range. In fact, as discussed above, Redford et al. merely disclose input boxes, drop-down list boxes, and authoring buttons (FIGS. 9C-E; col. 45, lines 4-12; col. 48, lines 35-40). Nowhere do Redford et al. disclose or illustrate the Applicants' claimed dual slider controls that have a first and a second slider on the same slider track.

The Applicants, therefore, respectfully traverse this rejection of amended independent claim 7 because Redford et al. do not disclose, either explicitly or implicitly, the material claimed feature of using dual slider controls a first slider disposed on a slider track for adjusting a lower boundary and a second slider disposed on the same slider track for adjusting an upper boundary of the associated data values within a range. Because of this missing feature, the §102 rejection cannot stand.

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Because the Applicants' claimed invention includes features neither taught, disclosed nor suggested by Redford et al., the Applicants respectfully submit that the rejections of amended independent claims 2 and 7 under 35 U.S.C. § 102(e) as being anticipated by Redford et al. has been overcome based on the arguments set forth above. Moreover, rejected claims 5 and 6 depend from amended independent claim 2 and rejected claims 8-18 depend from amended independent claim 7 and therefore also are novel over Redford et al. (MPEP § 2143.03). The Applicants, therefore, respectfully request reexamination, reconsideration and withdrawal of the rejection of claims 2-18 under 35 U.S.C. § 102(e) as being anticipated by Redford et al. based on the arguments above and below.

#### Section 103(a) Rejections

The Office Action rejected claims 19-23 under 35 U.S.C. § 103(a) as being unpatentable over Redford et al. in view of Fishkin et al. (U.S. Patent No. 5,841,437). The Office Action stated that Redford et al. disclose all elements of the Applicants' claimed invention except that "Redford did not specifically teach dynamically adjusting the pricing data using a slider filter contained in the graphical user interface as claimed by the applicant." However, the Office Action stated that Fishkin et al. "discloses a method to dynamically adjust the pricing data using a slider filter contained in the graphical user interface as claimed by applicant [e.g., Abstract, Fig. 8 and associated texts, col. 18, lines 43-57]." Therefore, the Office Action asserted that it would have been "obvious for an ordinary skilled artisan at the time the invention was made to be motivated to further modify the slider control of Redford's with the pricing data in the graphical user interface as suggested by Fishkin, because by doing so, the combined system will provide a user friendly GUI for dynamically adjusting the various pricing data associated with various commercial products for a user to make selections."

In response, the Applicants respectfully traverse these rejections based on the amendments to independent claim 19 and the following legal and technical analysis. The Applicants submits that the combination of Redford et al. and Fishkin et al. lacks a feature of the Applicants' claimed invention. In particular, as explained in detail below,

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the combination do not disclose, either explicitly or implicitly, the material claimed feature of adjusting the pricing data using dual slider filters contained on a single slider track in the graphical user interface and having a first slider filter for adjusting a lower boundary and a second slider filter for adjusting an upper boundary, each of the slider filters being dynamically coupled to input boxes so that both the slider filters and the input boxes dynamically change as a user configures at least one of: (a) the slider filter; (b) the input box

Further, Redford et al. and Fishkin et al. fail to appreciate the advantages of this claimed feature. In addition, there is no technical suggestion or motivation disclosed in Redford et al. or Fishkin et al. to define this claimed feature. Thus, the Applicants submit that the combination of Redford et al. and Fishkin et al. cannot make obvious the Applicants' claimed feature set forth above.

To make a prima facie showing of obviousness, all of the claimed features of an Applicant's invention must be considered, especially when they are missing from the prior art. If a claimed feature is not disclosed in the prior art and has advantages not appreciated by the prior art, then no prima facie showing of obviousness has been made. The Federal Circuit Court has held that it was an error not to distinguish claims over a combination of prior art references where a material limitation in the claimed system and its purpose was not taught therein. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Moreover, as stated in the MPEP, if a prior art reference does not disclose, suggest or provide any motivation for at least one claimed feature of an Applicant's invention, then a prima facie case of obviousness has not been established (MPEP § 2142).

#### Amended Independent Claim 19

Amended Independent claim 19 of the Applicants' claimed invention includes a method for dynamically adjusting pricing data displayed on a client computer. The method includes transmitting a set of pricing data from a server computer to the client computer in response to an initial query from the client computer. The pricing data is

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related to the initial query and is a portion of available data on the server computer. The method further includes transmitting a control module comprising a graphical user interface from the server computer to the client computer, and automatically displaying the graphical user interface on the client computer. The method also includes adjusting the pricing data using dual slider filters contained on a single slider track in the graphical user interface and having a first slider filter for adjusting a lower boundary and a second slider filter for adjusting an upper boundary, each of the slider filters being dynamically coupled to input boxes so that both the slider filters and the input boxes dynamically change as a user configures at least one of: (a) the slider filter; (b) the input box. The method further includes dynamically displaying the adjusted pricing data using the remote client to process the adjustment in response to user interaction with the automatically displayed graphical user interface.

In contrast, as noted above, Redford et al. is missing dual slider controls on a single slider track. In addition, Redford et al. fail to disclose that the dual slider controls are dynamically coupled to input boxes so that both the slider filters and the input boxes dynamically change as either one is adjusted.

Fishkin et al. add nothing to the cited combination that would render the Applicants' claimed invention obvious. Fishkin et al. merely describe an information visualization system that uses a single slider filter to control a single threshold value (col. 16, lines 54-56). As shown in FIG. 8 of Fishkin et al., multiple slider windows may be placed on top of each other to determine how various data will interact. However, each of the slider windows still has only a single slider filter on a single slider track for adjusting a single threshold value. Nowhere do Fishkin et al. disclose the Applicants' claimed feature of adjusting the pricing data using dual slider filters contained on the same single slider track and having a first slider filter for adjusting a lower boundary and a second slider filter for adjusting an upper boundary, where each of the slider filters are dynamically coupled to input boxes so that both the slider filters and the input boxes dynamically change as a user configures at least one of the slider filter and the input box.

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The combination of Redford et al. and Fishkin et al. also fails to appreciate or recognize the advantages of the Applicants' claimed feature. In particular, the dual slider controls allow a user to "constrain the results within a defined range" that includes a lower boundary and an upper boundary (specification, page 16, lines 17-19). By dragging each of the two slider filters, the range of results can be narrowed or increased. Both Redford et al. and Fishkin et al. fail to appreciate or recognize these advantages of the Applicants' claimed feature

The Applicants, therefore, submit that obviousness cannot be established since the combination of Redford et al. and Fishkin et al. fails to teach, disclose, suggest or provide any motivation for the Applicants' claimed feature of adjusting pricing data using dual slider filters contained on a single slider track in the graphical user interface and having a first slider filter for adjusting a lower boundary and a second slider filter for adjusting an upper boundary, each of the slider filters being dynamically coupled to input boxes so that both the slider filters and the input boxes dynamically change as a user configures at least one of: (a) the slider filter; (b) the input box. In addition to explicitly lacking this feature, the combination of Redford et al. and Fishkin et al. also fails to implicitly disclose, suggest, or provide motivation for this feature. Further, the combination of Redford et al. and Fishkin et al. fails to appreciate advantages of this claimed feature.

Therefore, as set forth in *In re Fine* and MPEP § 2142, the combination of Redford et al. and Fishkin et al. does not render the Applicants' claimed invention obvious because each of the references is missing at least the material feature of the Applicants' claimed invention outlined above. Consequently, because a prima facie case of obviousness cannot be established due to the lack of "some teaching, suggestion, or incentive supporting the combination", the rejection must be withdrawn. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984); MPEP 2143.01.

Accordingly, the Applicants respectfully submit that amended independent claim 10 is patentable under 35 U.S.C. § 103(a) over Redford et al. in view of Fishkin et al.

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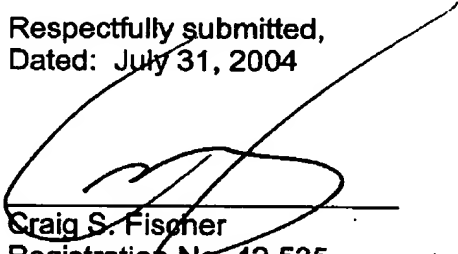
based on the amendments to claim 19 and the legal and technical arguments set forth above and below. Moreover, claims 20-23 depend from amended independent claim 19 and are also nonobvious over Redford et al. in view of Fishkin et al. (MPEP § 2143.03). The Applicants, therefore, respectfully requests reexamination, reconsideration and withdrawal of the rejection of claims 19-23.

#### Conclusion

In view of the amendments to claims 2, 7 and 19 and the arguments set forth above, the Applicants submit that claims 2 and 5-23 of the subject application are in condition for immediate allowance. The Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue.

In an effort to expedite and further the prosecution of the subject application, the Applicants kindly invite the Examiner to telephone the Applicants' attorney at (805) 278-8855 if the Examiner has any comments, questions or concerns, wishes to discuss any aspect of the prosecution of this application, or desires any degree of clarification of this response.

Respectfully submitted,  
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